

JUL 27 1998

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-03337

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His Air Force Commendation Medal (AFCM), Second Oak Leaf Cluster (2OLC), covering the period 28 May 85 - 1 Aug 86, be considered in the promotion process for cycle 87B5 to staff sergeant (promotions effective Feb 87 - Sep 87).

APPLICANT CONTENDS THAT:

The decoration was originally submitted in 1986 but was lost before being fully processed. He is denied the promotion which would have been his if the original award had been properly handled.

In support of his appeal, the applicant provided statements from his former supervisor, first sergeant, and commander, and documentation relating to his appeal.

Applicant's complete submission is attached at Exhibit A.

STATEMENT OF FACTS:

The applicant's Total Active Federal Military Service Date (TAFMSD) is 1 Sep 81. He is currently serving in the Regular Air Force in the grade of technical sergeant, effective, and with a date of rank (DOR) of 1 Oct 96.

Applicant's Airman Performance Reports (APRs)/Enlisted Performance Reports (EPRs) since 1987 reflects the following:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
31 Dec 87	9
31 Dec 88	9
28 Jan 90	4 (New rating system)
28 Jan 91	4

1 Nov 91	4
1 Nov 92	5
3 Oct 93	5
20 Jun 94	5
20 Jun 95	5
27 Dec 95	5
27 Dec 96	5
1 Jun 97	5

Documentation provided by the applicant indicates that per message, dated Jan 87, his unit indicated there was no record of a decoration submitted on him.

Per message, dated Aug 88, applicant's unit indicated they were in receipt of a decoration package from applicant's first sergeant. The first sergeant requested that the decoration package be submitted for the applicant to cover the period 1 Jan 86 through 31 Jul 86. However, after reviewing the request, several factors came into play. Those factors were: the unit indicated that the first sergeant was not in the chain of command in accordance with indorsements for Airman Performance Reports (APRs) and the unit could not discern why the first sergeant was making a request for submission for a decoration instead of the then rating official or the then headquarters squadron section commander. The unit felt that the request would have been more justified if one of the two mentioned individuals would have requested it. The write-up, if submitted, was more than two years old. No one at the unit could remember the applicant to validate whether an award was earned during his assignment to the unit. Therefore, although the unit sympathized with the applicant's misfortune, they did not feel that they could any longer continue to make up for mistakes supervisors made in the past.

Special Order [REDACTED], dated 10 Jan 97, reflects the applicant was awarded the AFCM for meritorious service for the period 28 May 85 through 1 Aug 96.

Special Order [REDACTED], dated 10 Jan 97, pertaining to the award of the AFCM to the applicant, as rank reads staff sergeant, it was amended to read sergeant and the inclusive dates were amended to read 28 May 85 through 1 Aug 86.

On 30 Jul 97, applicant's request to have the decoration in question included in the promotion process for cycle 87B5 as an exception to policy was disapproved by the Promotion Management Section at AFPC.

AIR FORCE EVALUATION:

The Assistant Chief, Inquiries/BCMR Section, AFPC/DPPPWB, reviewed this application and indicated that the applicant's total promotion score for the 87B5 cycle was 286.67 and the score required for selection in his Control Air Force Specialty Code (CAFSC) was 287.38. If the decoration is counted in his total score, he would become a selectee for promotion pending a favorable data verification check and the recommendation of his commander. Promotions for this cycle were announced on 20 Jan 87.

DPPPWB further indicated that the policies regarding the approval of a decoration and the credit of a decoration for promotion purposes are two separate and distinct policies. Current Air Force promotion policy (AFI 36-2502, Table 2.2, Rule 5, Note 2) dictates that before a decoration is credited for a specific promotion cycle, the close-out date of the decoration must be on or before the promotion eligibility cutoff date (PECD), and the date of the DECOR-6, Request for Decoration Printout (RDP), must be before the date of selections for the cycle in question. Each promotion cycle has an established PECD which is used to determine in which AFSC or Chief Enlisted Manager (CEM) code the member will be considered, as well as which performance reports and decorations will be used in the promotion consideration. The PECD for the promotion cycle in question was 30 Sep 86. In addition, a decoration that a member claims was lost, downgraded, etc., must be verified and fully documented that it was placed into official channels prior to the selection date. The decoration in question does not meet the criteria for promotion credit during the 87B5 cycle because there is no tangible evidence the resubmitted decoration was placed into official channels prior to the date selections for the 87B5 cycle were made. This policy was initiated on 28 Feb 79 specifically to preclude personnel from subsequently (after promotion selections) submitting someone for a decoration with a retroactive decoration effective date (close out) so as to put them over the selection cutoff score. Exceptions to the above policy are only considered when the airman can support a previous submission with documentation or statements including conclusive evidence that the recommendation was officially placed in military channels within the prescribed time limit and conclusive evidence the recommendation was not acted upon through loss or inadvertence. In accordance with AFI 36-2803, paragraph 3.1, a decoration is considered to have been placed in official channels when the decoration recommendation is signed by the initiating official and indorsed by a higher official in the chain of command.

While documentation included in the applicant's case file reflects a recommendation package for the subject AFSCM may have been initiated, the fact is, there is no evidence the decoration

was placed in official channels until eight years after promotions for the **87B5** cycle were released. To approve the applicant's request would not be fair or equitable to many others in the same situation who also miss promotion selection by a narrow margin and are not permitted to have an "after the fact" decoration count in the promotion process. The applicant's request to have the decoration included in the promotion process for this cycle as an exception to policy was disapproved by the Promotion Management Section at AFPC and **DPPPWB** concurs with this action.

A complete copy of the Air Force evaluation, with attachments, is attached at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the Air Force evaluation and provided a two-page rebuttal, with attachments, which is attached at Exhibit E.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded that the AFCM in question should be considered in the promotion process for cycle **87B5**. His contentions are duly noted; however, we do not find these assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We therefore agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. Therefore, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal

appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 23 June 1998, under the provisions of Air Force Instruction 36-2603:

Mr. Wayne R. Gracie, Panel Chair
Mr. Allen Beckett, Member
Mr. Dana J. Gilmour, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 21 Oct 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPPPWB, dated 13 Nov 97, w/atchs.
- Exhibit D. Letter, AFBCMR, dated 24 Nov 97.
- Exhibit E. Letter fr applicant, dated 16 Dec 97, w/atchs.

Wayne R. Gracie

WAYNE R. GRACIE
Panel Chair

channels prior to the date selections for the 87B5 cycle were made. This policy was initiated 28 Feb 79 specifically to preclude personnel from subsequently (after promotion selections) submitting someone for a decoration with a retroactive decoration effective date (close-out) so as to put them over the selection cutoff score. Exceptions to the above policy are only considered when the airman can support a previous submission with documentation or statements including conclusive evidence that the recommendation was officially placed in military channels within the prescribed time limit and conclusive evidence the recommendation was not acted upon through loss or inadvertence. LAW AFI 36-2803, par 3-1, a decoration is considered to have been placed in official channels when the decoration recommendation is signed by the initiating official and indorsed by a higher official in the chain of command.

c. While documentation included in the applicant's case file reflects a recommendation package for the subject AF'CM may have been initiated, the fact is there is no evidence the decoration was placed in official channels until 8 years after promotions for the 87B5 cycle were released. While we are acutely aware of the impact this recommendation has on the applicant's career, there is no tangible evidence the decoration was placed into official channels before selections for the 87B5 cycle were made as we previously indicated. To approve the applicant's request would not be fair or equitable to many others in the same situation who also miss promotion selection by a narrow margin and are not permitted to have an "after the fact" decoration count in the promotion process. The applicant's request to have the decoration included in the promotion process for this cycle as an exception to policy was disapproved by the Promotion Management Section at AFPC. We concur with this action.

Recommendation. Denial based on the rationale provided.

Donald B. Slate
DONALD B. SLATE
Ass't Chief, Inquiries/BCMR Section
Airman Promotion Branch

Attachments:
Extract Cy, AFI 36-2502



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5. Service in a commissioned, warrant, or flight officer status is creditable for pay. Such service does not count for the requirement (38 Comptroller General 598). You may consider promotion for airman who meet this requirement on the first day of the last month promotions are normally made in the cycle. Actual promotion does not occur earlier than the first day of the month following the month the airman completes the required enlisted service. This applies if the selectee had a sequence number in an earlier promotion increment; however, if the airman meets the required enlisted service on the first day of the month, the DOR and effective date is that date.

6. If a TDY student meets the requirements of this table but does not maintain satisfactory proficiency, the MPF that services the airman's TDY unit tells the MPF servicing the airman's unit of assignment.

Table 2.2. Calculating Points And Factors For WAPS (SSgt through MSgt).		
R U L E	A	B
	If the factor is	then the maximum score is
1	SKT	100 pts. Base individual score on percentage correct (two decimal places) (see note 1).
2	PFE	
3	TIS	40 pts. Award 2 pts for each year of TAFMS up to 20 years, a/o the last day of the last month of the promotion cycle. Credit 1/6 point for each month of TAFMS (15 days or more = 1/6 pt; drop periods less than 15 days). <i>EXAMPLE:</i> The last day of the last month of the cycle (31 Jul 93) minus TAFMSD (18 Jul 86) equals 7 years, 14 days (inclusive dates considered equals 7x2=14 pts). (See note 1).
4	TIG	60 pts. Award 1/2 pt for each month in grade up to 10 years, as of the first day of the last month of the promotion cycle (count 15 days or more as 1/2 pt; drop periods less than 15 days). <i>EXAMPLE:</i> The first day of the last month of the promotion cycle (1 Jul 93) minus current DOR (1 Jan 90) equals 3 years, 6 months, 1 day (inclusive dates considered) equals 42 x .5 = 21 pts. (See note 1).
5	Decorations	25 points. Assign each decoration a point value based on its order of precedence. (See note 2). Medal of Honor 15 AF/Navy/Distinguished Service Crosses 11 Defense Distinguished Svc Medal, Distinguished Svc Medal, Silver Star 9 Legion of Merit, Def Superior Svc Medal, Distinguished Flying Cross 7 Airman's/Soldier's/Navy-Marine Corps/Coast Guard/Bronze Star/Defense Meritorious Service Medals, Purple Heart 5 Air/Aerial Achievement/AF Commendation/Army Commendation/Navy Commendation/Joint Services Commendation/Coast Guard Commendation 3 Navy Achievement/Coast Guard Achievement/AF Achievement/Joint Service Achievement Medals 1
6	EPR score	135 pts. Multiply each EPR/APR rating that closed out w/in 5 years immediately preceding the PECD, not to exceed 10 reports, by the time weighted factor for that specific report. The time weighting factor begins with 50 for the most recent report and decreases in increments of five (50-45-40-35-30-25-20-15-10-5) for each report on file. Multiply that product by the EPR/APR conversion factor (27 for EPRs or 15 for APRs). Repeat this step for each report. After calculating each report, add the total value of each report for a sum. Divide that sum by the sum of the time weighted factors added together for the promotion performance factor (129.60). <i>EXAMPLE:</i> EPR/APR string (most recent to oldest): 5B-4B-9A-9A-9A-9A 5 x 50 = 250 x 27 = 6750 4 x 45 = 180 x 27 = 4860 9 x 40 = 360 x 15 = 5400 29160 9 x 35 = 315 x 15 = 4725 ----- = 129.60 9 x 30 = 270 x 15 = 4050 225 9 x 25 = 225 x 15 = 3375 ----- 225 29160

(See notes 1 and 3).

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